



Hamilton

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: December 5, 2012	
SUBJECT/REPORT NO: License Renewal Between City of Hamilton and Binbrook Agricultural Society (BAS), 2600 Highway 56, Binbrook Memorial Hall (PED12237) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Darlene Cole (905) 546-2424 Ext. 7910
SIGNATURE:	

RECOMMENDATIONS

- (a) That an existing License Agreement between the City and the Binbrook Agricultural Society (BAS) for the premises commonly known as the Binbrook Memorial Hall, identified as Parcel “A” on Appendix “A” attached to Report PED12237, be renewed for a period of ten (10) years from January 1, 2013 to December 31, 2023, with an option to renew for a further term of ten (10) years;
- (b) That a portion of the Binbrook Lion’s Park, held by the City, identified as Parcel “B” on Appendix “A” attached to Report PED12237, be licensed to the Binbrook Agricultural Society for a period of three (3) days per annum for the purpose of facilitating the annual Binbrook Agricultural Fair through the years 2013 to 2023, with the option to renew for a further term of ten (10) years;
- (c) That the premises identified as Parcel “C” on Appendix “A”, attached to Report PED12237, be licensed to the Binbrook Agricultural Society for periodic parking for a term of ten (10) years from January 1, 2013 to December 31, 2023, with an option to renew for a further term of ten (10) years;

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- (d) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to complete the License Agreement for the subject lands, in accordance with the terms set out in Report PED12237 and with By-law 04-299;
- (e) That the Mayor, General Manager of Finance and Corporate Services and City Clerk be authorized and directed to execute the Licence in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

The Binbrook Agricultural Society (BAS) is a not-for-profit organization which provides rural community entertainment and education about farms and farm life to the broader community. As such, its need to continue its use of Binbrook Memorial Hall, adjoining City parkland and parking facilities on certain days and times of the year, is recognized.

In 2008, the City entered into a License Agreement with BAS, at nominal consideration, which will expire on December 21, 2012. Staff is seeking Council approval to renew the existing License Agreement for a term of ten (10) years, with an option to renew for a further term of ten (10) years.

Alternatives for Consideration – See Page 4

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: The subject lands are being licensed in accordance with the terms of a land exchange agreement between the City and BAS, approved by Council in 2006 (PED06394).

Staffing: There are no identified staffing implications arising out of the recommendation(s).

Legal: Legal Services Division will assist Real Estate Section with the development of the License Agreement.

HISTORICAL BACKGROUND

When the Town of Binbrook and the City of Hamilton amalgamated, ownership of Binbrook Memorial Hall was transferred to the City. Following this transfer, title investigations revealed that approximately one-half of the footprint of Binbrook Memorial Hall encroached onto lands held by BAS. To resolve this issue, the City and BAS entered into an agreement wherein certain lands were exchanged to the mutual benefit of both parties; BAS surrendered its interest in the lands onto which Memorial Hall

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encroached and granted an easement around the perimeter of the building to facilitate the City's need for maintenance thereof.

As part of this land exchange, BAS requested that staff seek approval for a renewable License Agreement to permit its continued use of Binbrook Memorial Hall along with use of adjoining Binbrook Lion's Park, and City parking facilities to facilitate its need for meeting space and staging the annual Agricultural Fair. This would also acknowledge and fulfil a covenant in a conveyance dated May 29, 1920, between Binbrook Agricultural Society (BAS) and the Township of Binbrook, wherein the municipality granted BAS the exclusive use of Binbrook Community Hall for a period of four (4) days in each year during the annual Binbrook Agricultural Fair. This arrangement, dating back to 1920, marked the beginning of a long relationship between the municipality and BAS which has continued to the present day.

In 2008, the City and BAS entered into a License Agreement which permitted BAS to occupy City lands until December 31, 2012, on the following basis:

- Binbrook Memorial Hall (Parcel "A") one (1) day per week to conduct BAS business meetings;
- City parkland (Parcel "B") once annually to facilitate the Binbrook Agricultural Fair; and,
- Parking area (Parcel "C") on an ongoing basis for overflow parking.

BAS is requesting renewal of the existing License Agreement and extension of the term from five (5) to ten (10) years, with the option to renew for a further ten (10) years for the purpose of accommodating its periodic social agricultural and community activities, including the annual Binbrook Fair.

BAS acknowledges this would be a non-exclusive License Agreement wherein it would not be permitted to interfere with or prevent the public and/or the City's own use of the licensed facilities during its tenure.

POLICY IMPLICATIONS

The recommendation is consistent with the City's Real Estate Portfolio Management Strategy Plan, as approved by City Council on November 24, 2004, and Procedural By-Law No. 04-299; however, Council approval is required for leases having a term of more than five (5) years, as mandated by Council. The term being requested by BAS is ten (10) years, maturing in 2023, with an option to renew for a further term of ten (10) years.

RELEVANT CONSULTATION

- Public Works, Environment and Sustainable Infrastructure Division, Landscape Architectural Services Section
- City Manager's Office, Legal Services Division
- Ward Councillor

ANALYSIS / RATIONALE FOR RECOMMENDATION

Approval of the recommendation(s) by Council will authorize Real Estate staff to proceed with granting the License Agreement to BAS, in accordance with the City's land exchange agreement and the 1920 agreement between the parties for continued (periodic) use of Memorial Hall by BAS.

ALTERNATIVES FOR CONSIDERATION

There are no alternative suggestions for consideration at this time. This licence respects the City's previous intent with the provisions of the land exchange agreement approved by Council in 2006.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ♦ Stimulating interest and support for the City's agricultural community.

Environmental Stewardship

- ♦ Encouraging the conservation and protection of agricultural interests.

Healthy Community

- ♦ Arts, architectural and cultural heritage are supported and enhanced.

Social Development

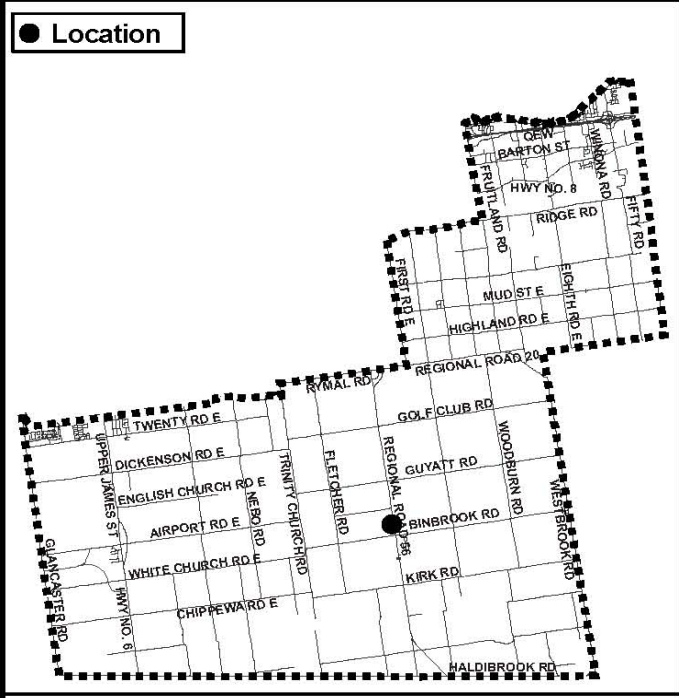
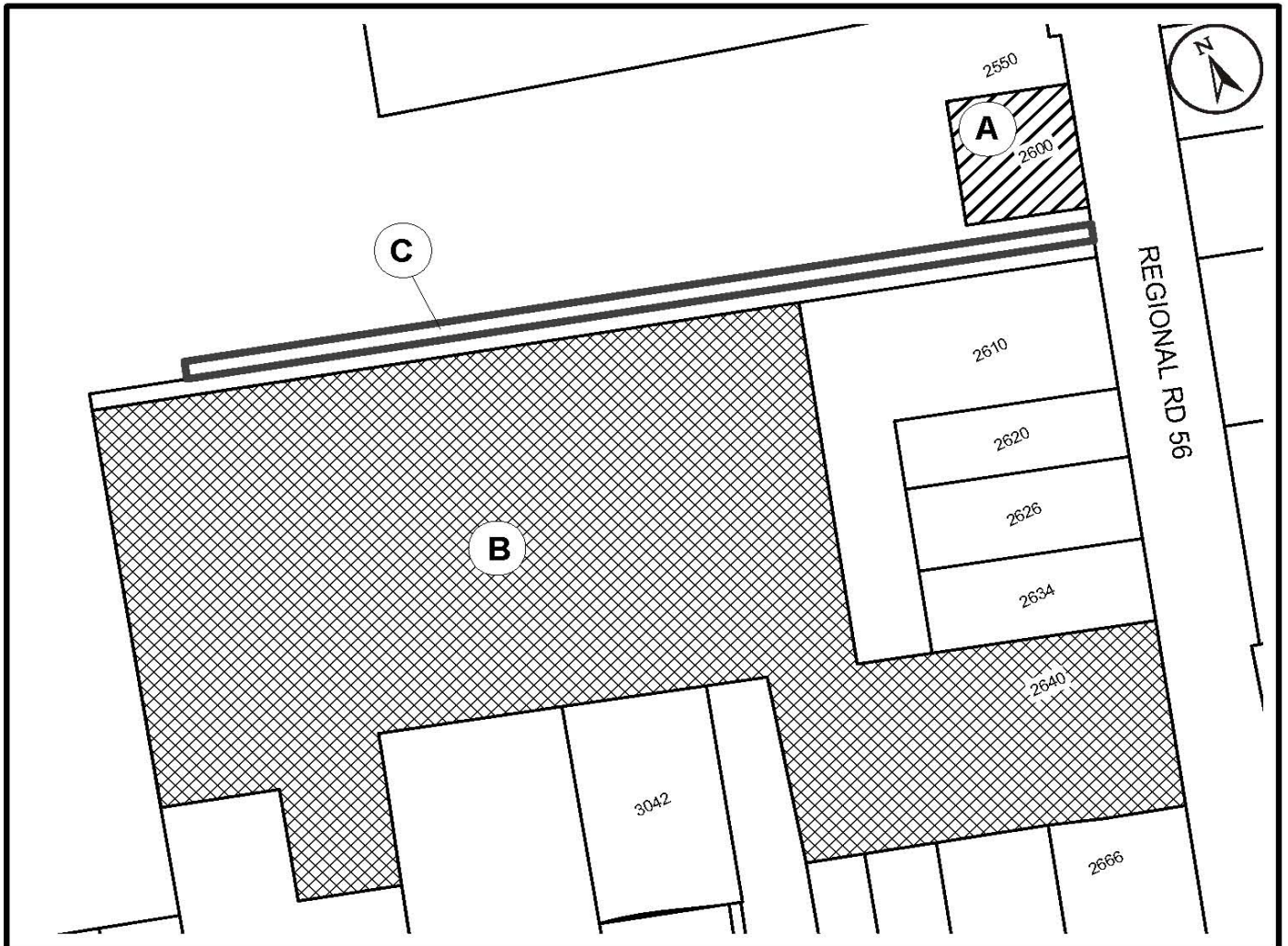
- ♦ BAS provides rural community entertainment and education about farms and farm life to the broader community.

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APPENDICES / SCHEDULES

Appendix "A" to Report PED12237– Location Map

DC/sd



Ward 11 Key Map N.T.S.

Attachment "A"

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: 2004-126	Date: December 6, 2012
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Appendix "A"	Scale: N.T.S.	Planner/Technician: DF/ BR
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Subject Property
 2600 Regional Road 56
 Part of Lot 1, Block 4, Concession 3
 Former Township of Binbrook.

- Memorial Hall
- City Parkland
- Parking Space